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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 **PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS MOTION TO
COMPEL UBER SOURCE CODE**

23 vs.

24 UBER TECHNOLOGIES, INC.;
25 OTTOMOTTO LLC; OTTO TRUCKING
26 LLC,

27 Defendants.

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Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its Motion to Compel Uber Source Code (“Waymo’s Motion”), filed concurrently herewith. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Motion	Highlighted in blue	Defendants
	Highlighted in green	Waymo
Exhibit 1 to Waymo’s Motion	Entire document	Waymo and Defendants
Exhibit 3 to Waymo’s Motion	Entire document	Defendants
Exhibit 4 to Waymo’s Motion	Entire document	Defendants
Exhibit 5 to Waymo’s Motion	Entire document	Waymo

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. DEFENDANTS CONFIDENTIAL INFORMATION

Waymo seeks to seal identified portions of these documents because Defendants have designated the information confidential and/or highly confidential. Declaration of Lindsay Cooper (“Cooper Decl.”) ¶ 3. Waymo takes no position on the merits of sealing the designated material, and expects Defendants to file one or more declarations in accordance with the Local Rules.

III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION

The Court should also seal the portions of Waymo’s Motion and exhibits thereto as identified in the table above. Waymo seeks to file this information under seal because it discloses technical information regarding Waymo’s trade secrets. *See Cooper Decl.*, ¶ 4. Courts have determined that trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at *1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc’ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428 PSG, 2013 WL 2111115, at *1, *3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document that “consists entirely

1 of descriptions of Brocade’s trade secrets.”). Waymo seeks to seal trade secret information that fit
 2 squarely within these categories. Cooper Dec. ¶ 4. Waymo maintains this information as a trade
 3 secret (*see* Dkt. 25-31) and ensures the information remains secret with strict secrecy and security
 4 protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo has narrowly tailored its requests to only
 5 information meriting sealing. *Id.* In fact, both *Music Grp.* and *Brocade* found the confidential
 6 information at issue in those cases met the heightened “compelling reasons” standard for sealing.
 7 *Music Grp.*, 2015 WL 3993147, at *1; *Brocade*, 2013 WL 211115, at *1, *3. The information that
 8 Waymo seeks to seal, therefore, also meets this heightened standard. The disclosure of Waymo’s
 9 trade secrets would harm Waymo. Cooper Dec. ¶ 4. Moreover, the scope of information that Waymo
 10 is seeking to seal is consistent with other administrative motions to seal that have already been granted
 11 by the Court in this case. (*See* Dkt. 681.) Thus, the Court should grant Waymo’s administrative
 12 motion to seal.

13 **IV. CONCLUSION**

14 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
 15 above listed documents accompany this Administrative Motion. For the foregoing reasons,
 16 Waymo respectfully requests that the Court grant Waymo’s Administrative Motion.

17 DATED: October 9, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
 18 LLP

19 By /s/ Charles K. Verhoeven

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